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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,836

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Herman Rodriguez

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EXAMINER

GARG, YOGESH C

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/733,836

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Yogesh C. Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's amendment filed on 7/25/2007 has canceled claims 1-7, 15-19, 28-35. Claims 8-14 and 20-27 were previously canceled. New claims 39-58 are added and are pending for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to new claims 39-58, have been considered but are moot in view of the new ground(s) of rejection necessitated due to new subject matter added in the new claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 43-44, 50-51 and 56-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim 43 contains subject matter, "gathering product information comprises retrieving the product information *from a group of sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product.* " which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's disclosure does not support the limitation of gathering product

information from a [definite or a rigid ] *group of sources comprising the merchant, a bank associated with the purchaser,...* “ but instead it teaches the use of terms *one or more sources, different sources, variety of sources, multiple sources such as..., and various sources such as..., at least one source of a group of sources* which do not define with rigidity as what a group of sources to comprise from which the product information is gathered. The terms used in the applicant’s disclosure are broad and do not support the narrowed down scope in claim 43.

Since claim 44 depends upon claim 43 and claims 50-51 and 56-57 are similar in scope as those of 43-44 all claims 43-44, 50-51 and 56-57 are rejected on the basis of rationale set forth above.

In view of the foregoing and keeping in line with the applicant’s disclosure, the examiner would further treat the recited limitation as:

“gathering product information comprises retrieving the product information *from multiple/variety/variable sources such as merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product*” .

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other relevant and related passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the other relevant and related passages and figures in the cited

references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1. Claims 39-40, 43-45, 46-47, 49, 50-51, 52-53, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn (US Publication 20010023402A1) and in view of Thomson et al. (US Publication 20030061104A1) hereinafter Thomson.

Regarding claim 39, Flynn teaches a method for aggregating an e-commerce transaction, the method comprising:

receiving an electronic receipt, the electronic receipt describing a transaction to purchase a product by a purchaser from a merchant (see at least paragraphs 0013 and 0029-0031) gathering product information associated with the transaction, and packaging the product information with the electronic receipt to create an aggregated package (see at least paragraphs 0034 and 0035. Paragraph 0034 fairly suggests gathering product information about items to be replenished and then packaging the

product information gathered about the items to be replenished with the electronic receipt to create an aggregated package of information about the items to be replenished. Paragraph 0035 fairly suggests gathering product information relating to registration of products and warranty and then packaging the product information related to warranty to create an aggregated package).

Flynn does not disclose that gathering product information comprises retrieving product information from a manufacturer associated with the product. However, in the same field of endeavor, Thomson teaches retrieving product information from a manufacturer associated with the product (see at least paragraphs 0016-0022. The system maintains a database which stores information about the manufacturers and warranty information associated with the manufacturers' products, see paragraph 0020, and this information from manufacturers is used to provide product alerts, warranty expirations, manufacturers incentives [see paragraph 0017]. In view of Thomson, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to modify Flynn to incorporate the feature of retrieving product information from a manufacturer associated with the product because it would help to provide product alerts, warranty expirations, manufacturers incentives.

Regarding claim 40, Flynn teaches transmitting the aggregated package to an email address associated with the purchaser (see paragraphs 0012, 0014 and 0035 wherein the aggregated package information is sent to the consumer in electronic form which includes sending the data via e-mail).

Regarding claim 43, Flynn suggests gathering product information comprises retrieving the product information from at least several/multiple/variety sources such as gathered from POS devices belonging to merchants and a retailer having accessories associated with the product (see at least paragraphs 0018-0023 which fairly disclose that the product information is gathered from POS devices belonging to merchants/retailers). Further from paragraph 0005 in Flynn it would be obvious to gather information from other sources such as bank statements and /credit/debit card statements.).

Regarding claim 44, Flynn/Thomson suggests requesting the product information from the several/multiple/variety sources, the product information comprising data associated with the product, from a category of data of a group of categories comprising warranty information, rebate information, product registration information, follow-on order information, depictions of the product, specifications, manuals, accessories, links to product information, links to manufacturer web sites, links to the merchant's web site, and links to the bank's web site (see at least Flynn, paragraphs 0005 and 0035 which discloses that the product information comprises data associated with banks, credit-cards, product registration, warranty information and see at least Thomson, paragraphs 0016-0028 suggesting the product information comprises product registration information, product warranty information, product alerts, manufacturers incentives, information about manufacturers which can include information about their

addresses/contacts). It would be obvious for one of an ordinary skilled in the art to combine the teachings from Thomson because it would help to provide product alerts, warranty expirations, manufacturers incentives and any other relevant information which will inform the buyer to be come more educated about the product that he bought and about he manufacturer or source of that information .

Regarding claim 45, Flynn suggests comprises storing the electronic receipt and the product information in a format that is accessible by a personal finance manager (see at least paragraphs 0012, 0014 and 0035. Flynn teaches storing electronic receipts and product information in an electronic format which can be transmitted via-email and a finance manager can access an e-mail.)

Regarding claims 46-47, 50-51, 52-53, 56-58, their limitations are closely parallel to the limitations of claims 39-40, 43-45 and are therefore analyzed and rejected on the basis of same rationale as set forth above for rejection of claims 39-40, 43-45.

Regarding claim 49, Flynn fairly suggests parsing the electronic receipt to identify a product (see at least paragraph 0034. Note: the software application identifying products which need to be replenished corresponds to the electronic receipt parser identifying a product).



5.2. Claims 41, 48, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn/Thomson further in view of Levchin et al. (US Patent 7,089,208 B1), hereinafter Levchin.

Regarding claims 41, 48, and 54 Flynn/Thomson teaches all the limitations of claims 39, 46 and 52 of which the claims 41, 48, and 54 are dependencies respectively, as analyzed above, but does not disclose certifying the transaction with a certificate of authenticity. However, the practice of certifying a transaction involving transfer of funds conducted on online is well-known as shown in Levchin (see at least col.6, lines 36-45 and col.14, lines 16-20). In view of Levchin, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Flynn/Thomson to certify the purchase transaction because to demonstrate that the transaction is valid and was not spoofed or faked (as suggested in Levchin, col.14, lines 16-20).

5.3. Claims 42 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn/Thomson further in view of Horn et al. (US Publication 2002/0156688 A1), hereinafter Horn

Regarding claims 42 and 55, Flynn/Thomson teaches all the limitations of claims 39 and 52 of which the claims 42 and 55 are dependencies respectively, as analyzed above, but does not disclose determining a language selected for the product information and gathering product information in the selected language. However in global electronic commerce system, Horn teaches determining a language selected for the product information and gathering product information in the selected language

(see at least Abstract and claim 1, on page 39 ) . In view of Horn, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Flynn/Thomson to determining a language selected for the product information and gathering product information in the selected language because that would be required so that a buyer of a particular locality and speaking a particular language can receive product information and is able to complete a transaction in his own language.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
9/27/2007